

### **REMARKS**

Claims 1-73 are pending in the application. Claims 8, 9, and 26 were objected to for informalities. Claims 54-61 and 63-73 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Claims 7, 12, 14, 59-62 and 64-73 were rejected under 35 U.S.C. § 112, Second Paragraph as being indefinite. Claims 1 – 73 were rejected as being anticipated under 35 U.S.C. § 102 Rejection. Claims 7, 8, 9, 13, 14, 26, 54 – 61, and 65 - 73 have been amended to clarify the claims. Support for the claim amendments may be found throughout the specification and claims as originally filed. No new matter has been added by virtue of the amendments to the claims. Claims 62, and 63 have been canceled without prejudice. Applicants thank the Examiner for withdrawing the restriction requirement of October 10, 2004.

### **Claim Objections**

Claims 8, 9, and 26 were objected to for informalities. These informalities have been corrected as suggested by the Examiner. Accordingly, Applicants request the withdrawal of the objections and allowance of the claims.

### **35 U.S.C. § 112, First Paragraph Rejections**

Claims 54-61 and 63-73 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. As noted above, claims 62 and 63 have been canceled without prejudice. Applicants traverse the rejections.

Applicants have amended claims 54-61 and 64-73 to clarify the claims. The claims are fully supported by the specification as amended. For example, see page 18, lines 4 – 11 and page 9, lines 11-21 of the specification. At least these portions of the specification provide examples of the systems and methods of the invention being used in or for *in vitro* fertilization, cloning,

cell transfection, production of monoclonal antibodies, prepares a biosensor, preparation of a hybridoma, manipulation of a cellular membrane, delivery of a well-defined volume of a substance to a cell, delivery of a pharmaceutically active substance to a cell, and/or conducting stem cell research.

These methods are enabled over their entire scope, for example, at page 9, lines 11-21 of the specification, the Applicants provide several references to which one of skill in the art may refer, thus further providing descriptions of the specific applications of the claims. One of skill in the art would find the claims adequately described in the specification because they would understand how to make and use the apparatus and methods. Accordingly, applicants request the withdrawal of the rejections and allowance of the claims.

Claim 62 was rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the enablement requirement. Claims 62 has been amended to clarify the claim. Applicants traverse the rejections.

### **35 U.S.C. § 112, Second Paragraph Rejections**

Claims 7, 12, 14, 59-62 and 64-73 were rejected under 35 U.S.C. § 112, Second Paragraph as being indefinite. Applicants respectfully traverse the rejections.

Claim 7 has been amended to address the Examiner's concerns regarding parallel and combinatorial and is believed to be allowable. Applicants respectfully request withdrawal of the rejection and allowance of the claim.

Claims 12 and 14 were rejected for referring to "flows." However, applicants note that it is claims 13 and 14 that contain the term "flows." Claims 13 and 14 were amended to recite "flow" to clarify that it is intended to refer to flow as a means.

Claims 59-62 and 64-73 were rejected for being incomplete. The claims not mentioned above as being canceled without prejudice were amended to clarify the claims. Applicants believe that as amended the claims do not contain any gaps in the steps.

Claims 66 and 67 were rejected for reciting, "manipulation of a composition of a cellular membrane." Applicants have amended the claims for clarity to recite, "manipulation of a cellular membrane."

Claims 72 and 73 were rejected for containing the phrase, "a method for conducting stem cell research." Applicants have amended the claims for clarity.

Accordingly, applicants believe that the claims are clear and hereby request the withdrawal of the rejections and allowance of the claims.

### **35 U.S.C. § 102 Rejection**

Claims 1 – 73 were rejected as being anticipated by Stromberg et al, Microfluidic device for combinatorial fusion of liposomes and cells, Analytical Chemistry, November 30, 2000, v. 73, no. 1, pages 126-130 (Stromberg et al).

In this regard, Applicants file herewith a Rule 131 Declaration. The Declaration declares that the instant invention was conceived and reduced to practice prior to the publication of Stromberg et al. Applicants believe that the Declaration overcomes the rejection, and accordingly request the withdrawal of the rejection and allowance of the claims.

### **CONCLUSION**

In light of the above remarks, Applicants respectfully requests early consideration and allowance of the subject application.

Attached is a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to extend the

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period for response for two (2) months, up to June 27, 2005, along with the necessary fee. Please charge any additional fees required in connection with the papers transmitted herewith to Deposit Account No. 04-1105.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,



Stephana E. Patton (Reg. No. 50,373)  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, MA 02205  
Telephone: 617-439-4444  
Facsimile: 617-439-4170

Date: June 14, 2005

Customer No.: 21874